

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

---

BRYSON FELDER,

Plaintiff,

9:17-CV-0984 (BKS/DJS)

v.

HAROLD GRAHAM,

Defendant.

---

**Appearances:**

Bryson Felder  
14-A-5032  
Wende Correctional Facility  
P.O. Box 1187  
Alden, NY 14004  
*Plaintiff, pro se*

Aimee M. Cowan, Esq.  
Hon. Letitia James  
Office of New York State Attorney General  
615 Erie Boulevard West, Suite 102  
Syracuse, NY 13204  
*Attorney for Defendant*

**Hon. Brenda K. Sannes, United States District Judge:**

**MEMORANDUM-DECISION AND ORDER**

Plaintiff Bryson Felder, a former New York State inmate, brought this action under 42 U.S.C. § 1983 asserting a claim under the Eighth Amendment against Superintendent Harold Graham of the Auburn Correctional Facility. (Dkt. No. 1). On August 13, 2018, Defendant filed a motion for summary judgment. (Dkt. No. 19). Plaintiff failed to respond to the motion even though he was granted two extensions of time to do so. (Dkt. Nos. 22 and 23). This matter was assigned to United States Magistrate Judge Daniel J. Stewart who, on January 2, 2019, issued a Report-Recommendation recommending that Defendant's motion for summary judgment be

granted or, in the alternative, that the case be dismissed under Fed. R. Civ. P. 41(b) for failure to prosecute. (Dkt. No. 25). Magistrate Judge Stewart advised the parties that under 28 U.S.C. § 636(b)(1), they had fourteen days within which to file written objections to the report, and that the failure to object to the report within fourteen days would preclude appellate review. (Dkt. No. 25, at 15-16). No objections to the Report-Recommendation have been filed.<sup>1</sup>

As no objections to the Report-Recommendation have been filed, and the time for filing objections has expired, the Court reviews the Report-Recommendation for clear error. *See Petersen v. Astrue*, 2 F. Supp. 3d 223, 228–29 (N.D.N.Y. 2012); Fed. R. Civ. P. 72(b) advisory committee’s note to 1983 amendment. Having reviewed the Report-Recommendation for clear error and found none, the Court adopts the Report-Recommendation in its entirety.

For these reasons, it is

**ORDERED** that the Report-Recommendation (Dkt. No. 25) is **ADOPTED** in its entirety; and it is further


**ORDERED** that Defendants’ motion for summary judgment (Dkt. No. 19) is **GRANTED**; and it is further

**ORDERED** that Plaintiff’s complaint is **DISMISSED** in its entirety; and it is further

**ORDERED** that the Clerk serve a copy of this Order upon the parties in accordance with the Local Rules.

**IT IS SO ORDERED.**

Dated: February 13, 2019  
Syracuse, New York

  
**Brenda K. Sannes**  
**U.S. District Judge**

---

<sup>1</sup> It appears that Plaintiff has been paroled and has not updated the Court of his current address, as he is required to do. (Dkt. No. 24 at 2, n.1; Dkt. No. 9, at 17). The Report-Recommendation mailed to him on January 2, 2019 was returned to the Court as undeliverable and marked “Paroled, 10.25.18.” (Dkt. No. 26). In light of Plaintiff’s pro se status, by a text order on January 24, 2019, the Court afforded him a final opportunity to update his address and file objections to the Report-Recommendation. (Dkt. No. 27). Plaintiff did not update his address or file objections.